

THE REHEARSAL.

1. I knew not the *Author of Jura Populi Anglicani*. And I refer to him to Judge of the *Law-Point* with me.
2. Of our *Constitution*, as suppos'd Superior to *King* and *Parlament*.
3. Of the *Distinction* betwixt the *Government* and the *Governors*.
4. The *Instance of Marriage* Consider'd, as to the *Choice* of our *Governors*.
5. And of the *Choice* of the *Ministers* of the *Gospel* That the *Frame* of the *Government* cannot be *Alter'd* by either.
6. I decline the *Authority* of *Mr. Hooker* in this *Cafe*, with all due *Respect* to him, and to *Mr. Hoadly*.

SATURDAY, July 3. 1708.

(1.) *Country-man*.

YOU are Call'd upon, *Master*, by the *Observer*, who in his of the 16th last Month, Vol. 7. N. 35. Accuses you for Treating with Contempt the *Author of Jura Populi Anglicani*, who he says is a *Learned* and *Great Lawyer*, and is known to be one of the *Greatest men* in *England*.

Rehearsal. I ask his Pardon, if I have been Guilty of any *Ill Manners* towards him. For I knew him not, nor do now, otherwise than as he is here Describ'd by the *Observer*. And I shall be very Glad to be Instructed by so *Great a Man*, wherein I have gone out of the way, especially as to the *Laws* of *England*, wherein the *Observer* tells me his *Profession* lies. And therefore I leave it to him to Judge of those *Laws* I have produc'd which Bar all *Coercion* upon the *Crown*.

(2.) *Country-m*. But in the next *Observer*, N. 36. he comes to the Argument with you, and says, That our *Prince*, *Electors*, and *Parliament*, have their Power from our *Constitution*: And the same *Laws* that Limit the one, Limit the other. And this he brings as an Answer to your Assertion, That the *Free-holders* have no Right of *Choosing*, nor the *Members* of voting, but what they have from the *Crown*.

Rehearsal. Then he Supposes whatever he means by the *Constitution* to be something Different from *Prince*, *Parliament*, and *Electors*, and Superior to them, and Prior to them all. Because all these (according to his Scheme) Receive their *Authority* from the *Constitution*. Now he is Desir'd to shew

that *Constitution* which made *Kings* and *Parliaments*. And who made that *Constitution*? Or did it make it self? Did it make *Laws* before ther were *Kings* or *Parliaments*, by which these *Kings* and *Parliaments* shou'd be *Regulated* and *Limited*? Or is ther any *Law* of the Land which the *King* and *Parliament* may not *Repeal*? How then are they *Limited* by the *Law*? I desire him to look into my first *Volume*, N. 136. 139. 140. and there he will see what our *Constitution* is.

Country-m. All that he cou'd mean by it is the *Original Power* of the *People*, and the *Independent State* of *Nature*. And that you have so *Bass'd* and *Expos'd*, that no body now will venture to Name it in *Express* terms, but think that in other Words it may pass upon those who do not Think.

But he Quotes the *Learned Mr. Hooker* saying, That all *Government* must come either from the *Choice* of the *People*, or the *Appointment* of *God*.

Rehearsal. Who denies it? This is *Trifling*. And he himself in the same Place owns *Government* to be of *Divine Institution*.

(3.) *Country-m*. Ay, that is as to *Government* in General, but for the *Choice* of the *Persons*, that he says is in the *People*.

Rehearsal. That very Pretence is Answer'd in my first *Volume*. N. 134. Where it is shew'd that *Government* is Nothing but the *Form* or *Species* of the *Government*, and the *Persons* who Govern. And if the *Holy Scriptures* are a *Good Authority*, I have Prov'd it to a *Demonstration*, that *God* did *Appoint Both*. And that the *People* cou'd *Appoint Neither*. And I will Desire the

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Observer or any others who Oppose me, to Read first what I have said, and not put me to Repeat.

(4.) Country-m. He gives an Instance of Marriage, which is of Divine Institution, and yet Men have Liberty to Chuse their Wives.

Rehears. Let him shew the like Liberty given to Subjects to Chuse their King. The People were Always Subject. And the King never Dies. So they are never Free from his Subjection. A Man may Chuse his Wife, but the People cannot Chuse their King. For the whole Body of the People cannot do it, and the whole Body of the People never were, or ever can be truly Represented. Which I have made very Plain. Every Party call themselves the People, and the Opposit Party is as much the People. The first Man Born was Born in Subjection, and so have All ever since. So that they were never Free to Chuse for themselves. And the Ball of Government, tho' Toss'd from one to another, was never let fall so low as to come to the whole Body of the People. Therefore they cou'd never Chuse, or Ever did. Pray, which is the People of all the Confederated Parsets now in Poland? This Plea of the People is a perfect Jest. And ought not to be Mention'd by any against me, till they have Answer'd what I have said upon that Head.

(5.) Country-m. He gives another Instance, the Choice of the Ministers of the Gospel by those who have Authority to Chuse and to Ordain them.

Rehears. And I give the same Answer. Let him shew the like Authority given to the People to Chuse their King.

But Country-Man, I wou'd ask you one Question. Tho' you may Chuse your Wife, yet can you Alter the Laws of Marriage which God has Appointed? If you shou'd Promise to Obey, and give her the Rule and Dominion over you, wou'd this stand, by Vertue of your Contract, against that Subjection which God has Commanded the Wife to pay to her Husband?

Country-m. No sure. We cannot Alter the Laws of God.

Rehears. Yet from this Suppos'd Authority in the People to Chuse their King, it is Argu'd that they may likewise Alter the whole Frame and Species of that Government which God at first Appointed, and may Frame and Contrive what New sort of Government they think fit. Nay that they may Alter the very Tenure of Government, and make the People Judges over the King, and He to be Subject and Accountable to Them!

And by the like sort of Argument, that the People may also Alter the Frame of Church Government which Christ and His Apostles left in the Church, and set up any New Sort or Fashion of Government they like better. These are the Now Modish Principles, and brought to Reconcile all the Differences about Church Matters! As if that wou'd Settle them, and not bring in a Thousand times more Confusion and Distraction among Us!

(6.) Country-m. But after this he brings Mr. Hooker Plumm upon you, for the Original Power of the People, and Joins Mr. Hoadly with him.

Rehears. If Mr. Hooker says the same things as Mr. Hoadly, I must Oppose Mr. Hooker as well as Mr. Hoadly. And desire some Reasons, besides their Authority. Mr. Hooker was a Learned Man, and I believe Mr. Hoadly to be so too. But Learned Men may fall into Mistakes, and we have many Examples. It is long since I thought Mr. Hooker to have gone Wrong in this Matter. And I have seen the Mischief it has done. He is Quoted by Mr. Lock, by Observators and Reviews, and most of the Republican Writers. But I have not Attack'd him, because of the Reputation he has (otherwise) Deserv'dly Obtain'd in the Church of England. Yet I wou'd not be Misled by him. *Amicus Plato, Sed Magis amica Veritas.* And I am not taught *Jurare in verba Magistri*: Therefore I desire an Answer to what I have said, and not to tell me who is of another Opinion.

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